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Application No.: 09/704,638

Docket No.: 418268805US

REMARKS

Applicant wishes to thank the Examiner for his consideration during the telephone interview of January 10, 2007 and subsequent discussion. Applicant's representative and the Examiner discussed the objection to the claims and new claim 38, which the Examiner believes distinguishes over the cited art.

Claims 1-32 and 38-41 are pending. Applicant has canceled claims 33-37 and added claims 38-41.

The Examiner has objected to claims 10-12 under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and because a multiple dependent claim cannot depend from another multiple dependent claim. The Examiner then refuses to address the merits of whether these claims are anticipated or obvious.

Applicant is perplexed by the Examiner's position. Claims 10 and 11 are multiple dependent claims that recite the "method of claim 7 or 8." Clearly, the "or" is referring to the other claims in the alternative. The Examiner cites to M.P.E.P. § 608.01(n), which clearly indicates that use of "or" is proper. Neither claim 7 nor claim 8 are multiple dependent claims or depend from multiple dependent claims. As such claims 10 and 11 do not impermissibly depend from a multiple dependent claim. Although claim 12 does depend from multiple dependent claim 11, claim 12 is itself not a multiple dependent claim and thus does not impermissibly depend from a multiple dependent claim.

Since the Examiner's objection is without merit, applicant respectfully requests that the Examiner withdraw the finality of this Office Action and issue a new action that addresses the merits of whether these claims are anticipated or obvious so that applicant can address the merits on appeal.